

In re Appln. No.: 09/403,861
Confirmation No.: 7791

REMARKS

The Office Action has been carefully reviewed. No claim is allowed. Claims 41-48 presently appear in this application and define patentable subject matter warranting their allowance. Reconsideration and allowance are hereby respectfully solicited.

Claims 41-48 have been rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. This rejection is respectfully traversed.

Claim 41 is now amended to positively recite the hybridization and wash conditions as supported in the specification at the bottom of page 57. The disclosed highly stringent washing conditions (low ionic strength and high temperature) selects for only nucleotide sequences with high sequence homology/identity to SEQ ID NO:1. The fact situation is very similar to Example 9 of the Revised Interim Written Description Guidelines Training Material (see analysis section of the example). Accordingly, this part of the rejection is believed to be obviated.

Claim 42 is now amended to make clear that the GILR protein encoded by a nucleotide sequence capable of hybridizing to SEQ ID NO:1 contains no more than ten amino acid residue changes from the amino acid sequence of SEQ ID NO:2. Applicants submit that one of skill in the art would clearly understand from Fig. 15 that the preferential sites of amino acid residue changes would be where residues are not conserved between human and mouse GILR because these residues would be

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expected to be unimportant in determining GILR activity. Therefore, specific description in the specification is unnecessary since those of skill in the art would understand where any such amino acid residue changes (no more than 10) should be made in the amino acid sequence of SEQ ID NO:2.

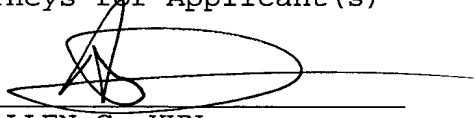
Reconsideration and withdrawal of this rejection are therefore respectfully requested.

In view of the above, the claims comply with 35 U.S.C. §112 and define patentable subject matter warranting their allowance. Favorable consideration and early allowance are earnestly urged.

Respectfully submitted,

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